

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 1:07-cr-137  
(1:12-cv-060)

-vs-

District Judge Gregory L. Frost  
Magistrate Judge Michael R. Merz

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LAKEISHA BURNEY,

Defendant.

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**ORDER STRIKING OBJECTIONS**

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This § 2255 case is before the Court upon the filing of Objections by Defendant (Doc. No. 68) to the Magistrate Judge's Report and Recommendations (Doc. No. 66).

When the Report was filed, all parties were advised that they had seventeen days to file objections (See Doc. No. 66, PageID 332). This period consists of the fourteen days provided directly by Fed. R. Civ. P. 72 and the additional three days because Defendant was served by mail. A staff note on the docket shows that indeed Defendant was served by regular mail on the date the Report was filed, January 31, 2012. Thus Defendant's time to file objections expired on February 17, 2012.

At the conclusion of her Objections, Defendant certifies that she delivered the Objections to prison authorities on February 27, 2012 and reminds the Court that papers are deemed filed on the date they are delivered to prison authorities under *Houston v. Lack*, 487 U.S. 266 (1988). See

*also Cook v. Stegall*, 295 F.3d 517, 521 (6<sup>th</sup> Cir. 2002). Delivery to the authorities on February 27, 2012, is not timely and the Objections are accordingly STRICKEN.

March 1, 2012.

s/ **Michael R. Merz**  
United States Magistrate Judge